



**CITY OF  
TUCSON**

# **Tucson City Court FY11 Annual Report**



This annual report is designed to educate the public and those that provide resources to the court on the court's workload and resources used to accomplish our mission.



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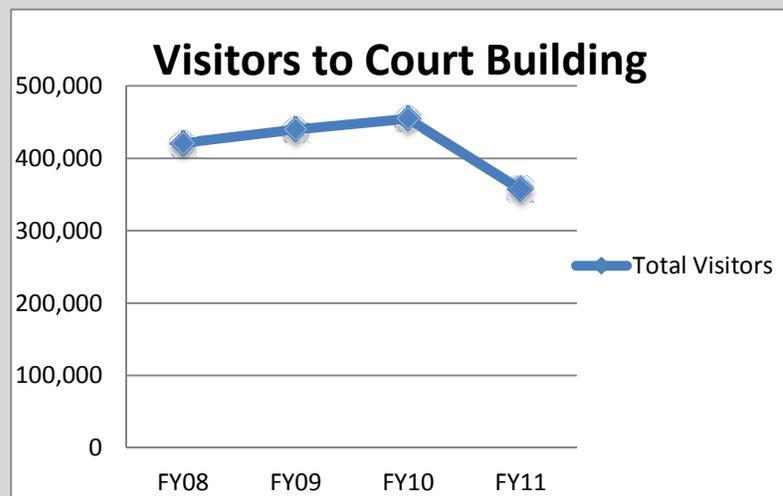
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## INTRODUCTION

*The mission of the Tucson City Court is to serve the community and protect individual rights by providing prompt and fair administration of justice.*

The Tucson City Court is a limited jurisdiction court responsible for adjudicating misdemeanor crimes and violations of criminal traffic, civil traffic, parking, and city ordinances within the city limits. Tucson City Court is considered the second largest volume court in Arizona and processes an average of 251,000 charges annually of which approximately 84,000 are criminal charges. In Fiscal Year 2011 (FY11) the court averaged 1,492 visitors per work day or about 356,500 visitors in the fiscal year. Through enforcement of court ordered sanctions the court collects an average of \$25 million per year. In FY11 the Court was authorized 15 judicial officers and 123 administrative staff and has six main divisions: Judicial, Administration, Probation, Judicial Services, Court Services, and Public Services.



This annual report is designed to educate the public and those that provide resources to the court on the court's workload and resources used to accomplish our mission. This report has three parts:

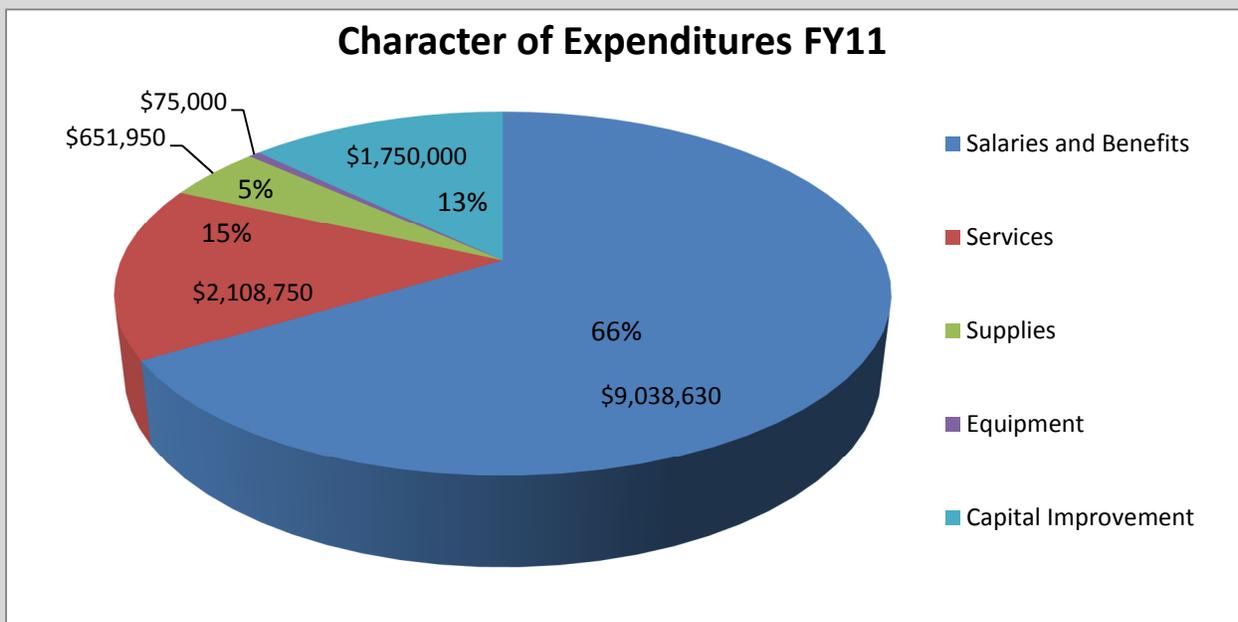
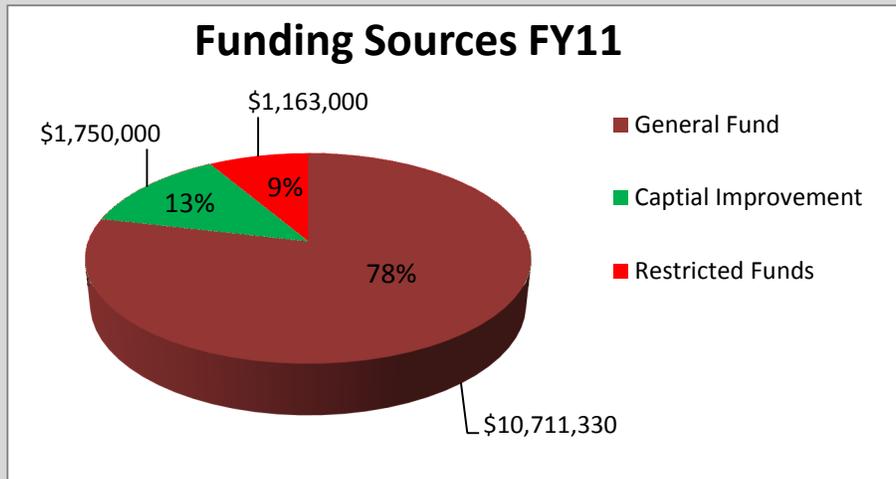
- Part 1 - Budget and Collections
- Part 2 - Workload and Court Divisions
- Part 3 – Projects and Initiatives



## PART 1: BUDGET AND COLLECTIONS

In FY11 the Court's adopted budget was \$13,624,330 which included \$1,750,000 in capital improvements for replacement of the building's cooling towers and chillers and for renovation of the three elevators.

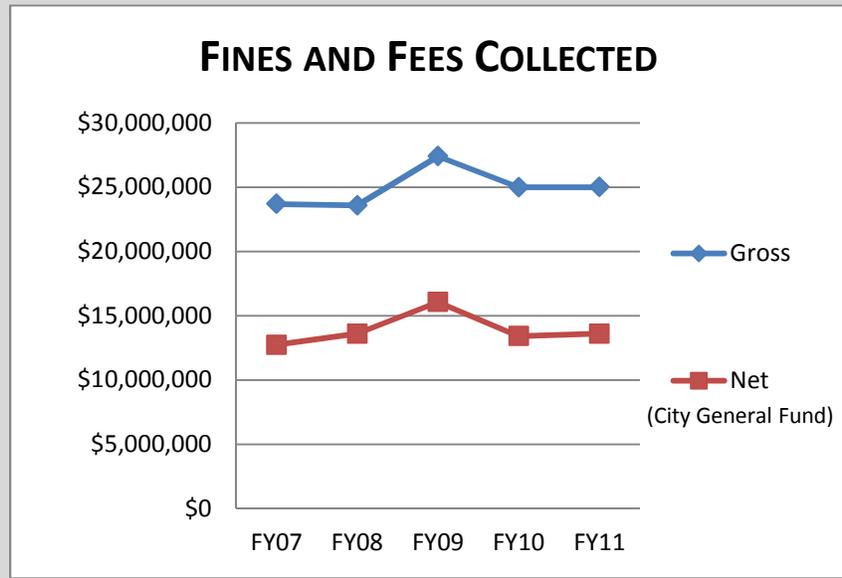
The Court's greatest expenditure is for employee salaries and benefits. Our second largest expense is for outside services which include all contracted services such as court appointed attorneys, expert witnesses, juror services, per diem foreign language interpreters (languages other than Spanish) and building maintenance which includes security.





## ENFORCEMENT OF COURT ORDERS

One of the main functions of the Court is to enforce court orders. As a result of enforcing these orders, revenue is generated from collecting fines and fees. In FY11 the Court collected a total of \$24,998,170 with \$13,591,334 going to the City’s general Fund. The remaining \$11,406,836 was divided with \$8,890,700 going to the State of Arizona, \$1, 605,301 to the FARE program and \$910,834 in various trust accounts (bonds and restitution).



When a fine is paid various amounts are distributed to state and local governments or agencies as required by law. Although many consider the total fine amount to be excessively high the City of Tucson may not receive the majority of the total fine paid. The State of Arizona imposes an 84% surcharge and \$20 probation fee on every fine, penalty, and forfeiture, imposed and collected by the courts for:

- Criminal offenses
- Civil penalties for violations of motor vehicle statutes
- Violation of local ordinances relating to stopping, standing or operation of a vehicle
- Violation of game and fish statutes in Title 17

The \$20 probation assessment is **NOT** assessed on violations of local parking ordinances.



The table below shows the distribution for a FY11 fine for failing to stop at a red light (typical civil traffic) including photo enforcement.

Violation 28-645.A.3.A

Bond Amount (Total Fine)	\$322.00
Base Fine (Retained by City)	\$144.13
State Surcharges (84%) on base fine	\$121.07
Case Processing Fee (Split between City and Court, \$10 each)	\$20.00
State Surcharge on case processing fee (84%)	\$16.80
Probation Fee (State Fee)	\$20.00

The same is true for parking tickets except that the Probation Fee is not assessed as part of the fine. The table below shows the distribution for a common parking ticket in FY11,

Bond Amount (Total Fine)	\$49
Base Fine (Retained by City)	\$6.63
State Surcharges (84%) on base fine	\$5.57
Case Processing Fee (Split between City and Court, \$10 each)	\$20.00
State Surcharge on case processing fee (84%)	\$16.80
Probation Fee (State Fee)	Not Applicable

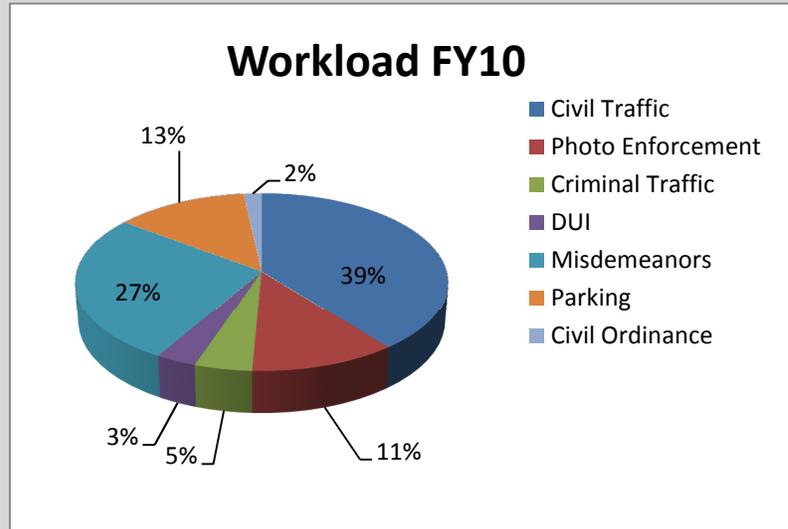
### FARE PROGRAM

The Fines, Fees, and Restitution Enforcement (FARE) program acts as the collection agency for the court and is a statewide contract program operated by the Arizona Supreme Court. The FARE program works to collect delinquent fines, fees, and restitution. In addition to the potential negative impact on an individual’s credit report, having a case assigned to the FARE program can have other consequences for an individual. The FARE program operates in conjunction with Arizona Division of Motor Vehicles to suspend the driver license and vehicle registration(s) (through the TTEAP – Traffic Ticket Enforcement Assistance Program) of persons with delinquent civil traffic fines to an Arizona court. Additionally the court works with the Arizona Department of Revenue to intercept Arizona state tax refunds (through the TIP – Tax Intercept Program) due to an individual owing delinquent fines or fees on any case type.



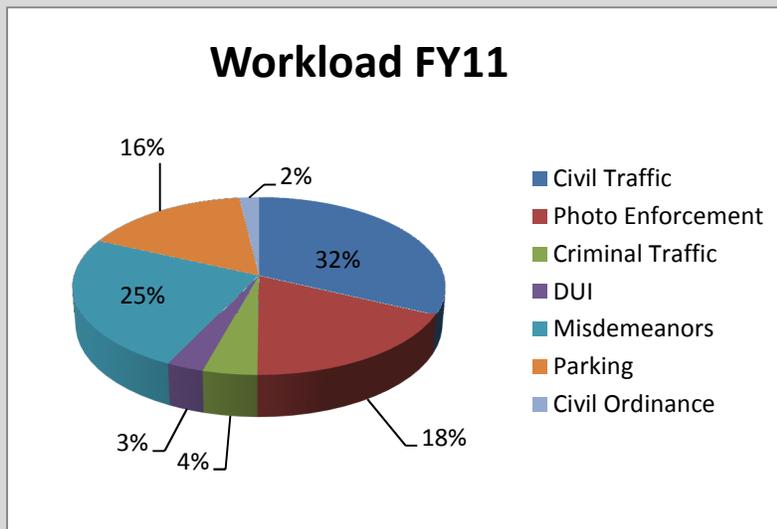
## PART 2: WORKLOAD AND COURT DIVISIONS

**W**orkload in the Court is comprised of charges filed. Most of the charges filed in the court are from the Tucson Police Department, however, other City and County agencies are able to cite into our court; charges filed are either criminal or civil. Criminal charges require more resources than civil charges (time, money, and personnel) to process and adjudicate.



There were 212,278 charges filed with the court in FY11 and 2,598

petitions for Orders of Protection and Injunctions Against Harassment were processed. There was a 3% shift in workload from criminal to civil charges between FY10 and FY11. In FY10 civil



violations made up 65% of workload with the remaining 35% being criminal charges. In FY11 civil violations made up 68% of workload with 32% being criminal charges. Tracking workload distribution helps the court to properly assign personnel and resources. All court divisions work together to process, adjudicate, and properly dispose of charges filed with the court.



# COURT DIVISIONS

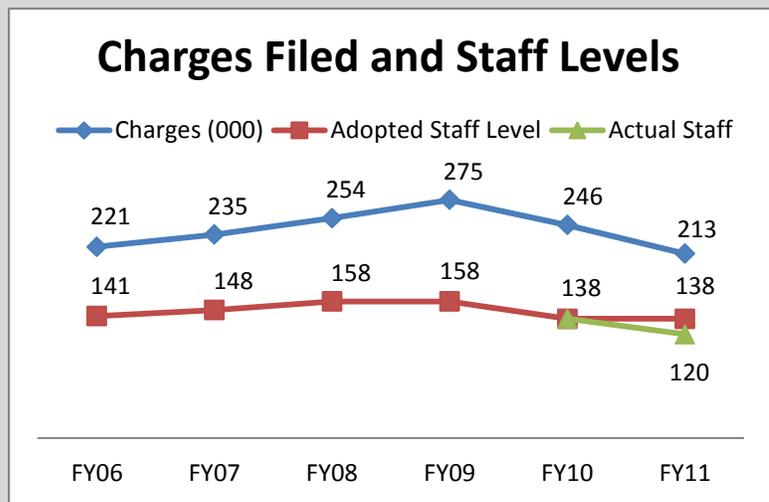
## COURT ADMINISTRATION

Court Administration ensures that the Court has the appropriate resources needed to meet and carry out our obligations and responsibilities as required by various controlling authorities. Court Administration assists the magistrates to ensure that the Court is operated in compliance with statutes, rules, orders, and directives from the State of Arizona, Arizona Supreme Court and the City of Tucson. It is responsible for all administrative functions within the court such as building maintenance, payroll for employees, human resource management, contract management, supplies and equipment purchases, tracking and paying invoices, accounting for fines, fees, bonds and restitution collected by the court, case flow management, accounting for and processing all documents submitted to the court, and for information management (automation) support within the court.



## STAFFING LEVELS

To process our workload the Court is authorized a total staff of 138.8 employees; 15 judicial officers, 2.3 pro temps, and 121.5 administrative staff. In FY11 the court held 18 positions vacant throughout the fiscal year in order to generate vacancy savings and reduce overall costs. Holding these positions vacant affected our ability to timely serve customers, therefore, our goal is to remain fully staffed during FY12.





## JUDICIAL AND JUDICIAL SERVICES

The Judicial Division of the court consists of 15 judicial officers: 1 presiding magistrate, 11 magistrates, and 3 limited special magistrates (hearing officers). The magistrates hear criminal cases while the limited special magistrates hear civil matters. The Judicial Division is responsible for courtroom operations, legal decisions and adjudicating cases.



The Judicial Services Division consists of 43 employees and is responsible for courtroom operations, data entry into the case management system, management of the court calendar, and operation of the City's portion of the Twice-a-Day Initial Appearance (2XIA) sessions which operate 365 days per year. In FY11 the Court conducted a combined total of 111,659 arraignments, hearings, and trials, all of which required scheduling, documentation, and entry into the automated case management system.

Staff in the Judicial Services Division provide direct clerical support to magistrates, maintain magistrates' daily calendars, prepare minute entries for all case files scheduled for court, ensure proper distribution of all judicial orders and, or documents in a timely manner, provide jury management, control evidence and exhibits during trials and hearings, serve as lead clerk for both sessions of the Twice-a-Day Initial Appearance (2XIA) program, video review sessions and out-of-custody arraignments, and are responsible for case management and data entry of all court orders or information affecting case status.



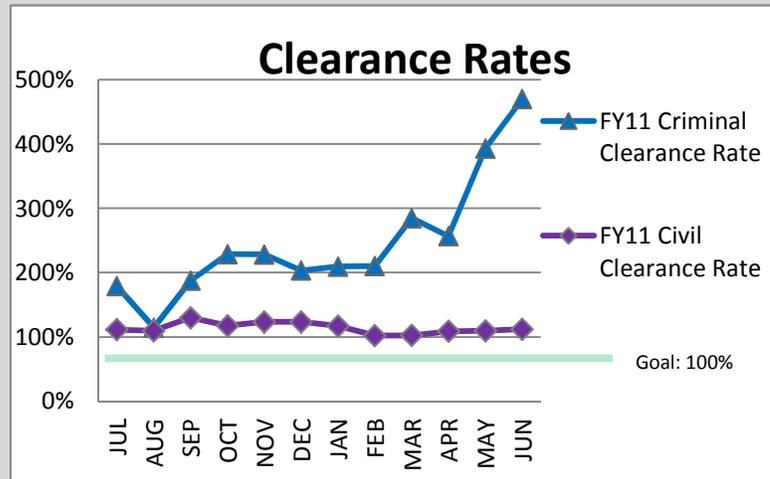


### CLEARANCE RATES

One performance measure of a court’s efficiency is its clearance rate. If charges are not disposed in a timely manner then a backlog of charges awaiting disposition develops. This chart indicates the clearance rate for civil and criminal charges in FY11.

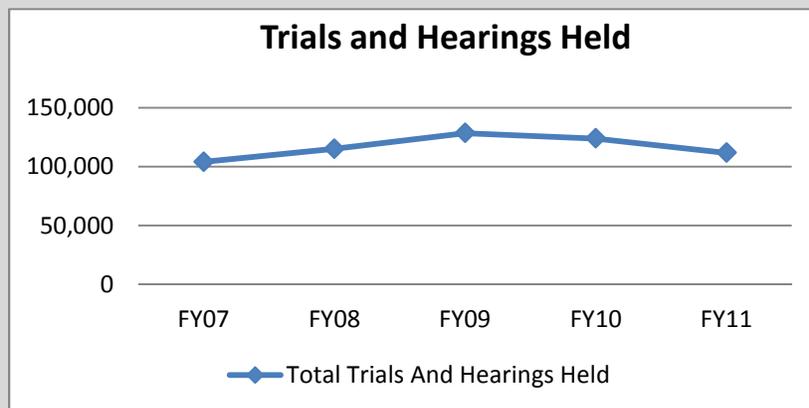
Clearance rates are determined by dividing the number of outgoing (disposed) charges by the number of incoming (filed) charges. The court strives for a 100% clearance rate. While it appears the criminal charge clearance rate is exaggerated, it is not. The Court conducted a joint project with the City Prosecutor’s Office to reduce the backlog of inactive pending cases. The court used restricted funds to pay staff overtime to

process approximately 26,000 cases with approximately 65,000 charges. These are typically cases in warrant status with no activity for 5 years. We used overtime for this project to ensure that processing these cases did not affect our ability to serve the public.



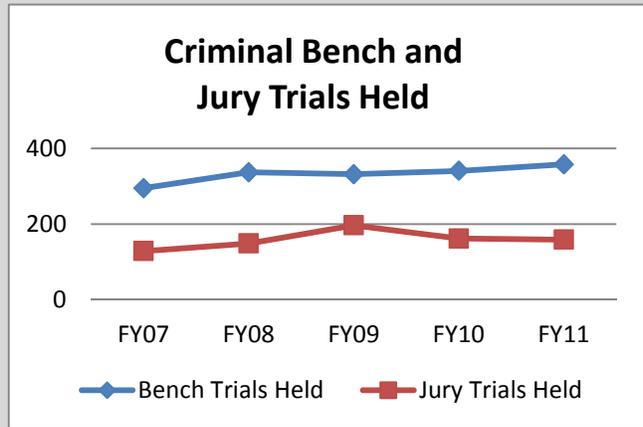
### TRIALS & HEARINGS

The court conducts an average of 116,620 trials and hearings each year. Many cases are offered diversion, plead out or are dismissed in the process and never go to trial.

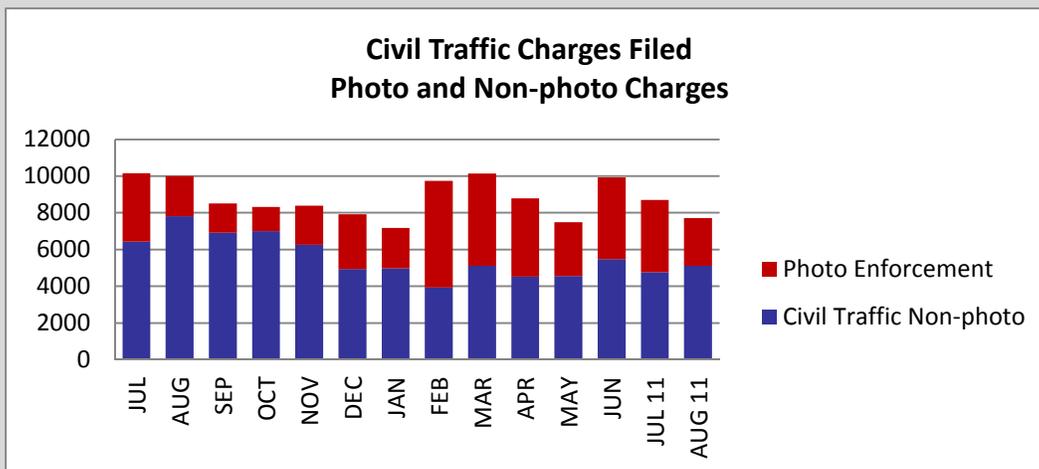
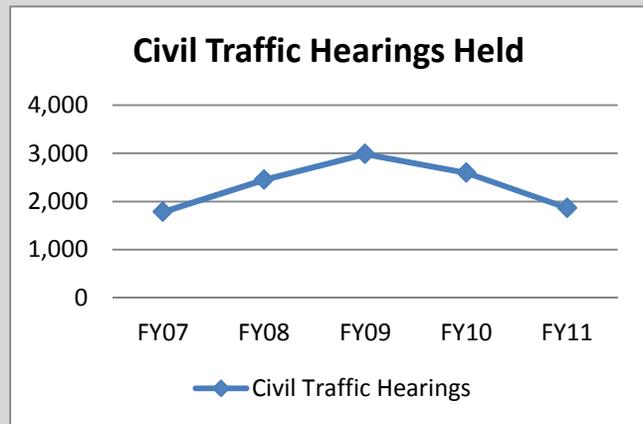




Although overall charges filed with the court have been declining, the number of bench and jury trials held has increased or remained the same. The spike in jury trials in FY09 was due to a jury reduction project where the court added additional days to conduct jury trials in order to reduce a developing backlog. The court meets time requirements established for processing criminal cases established by Arizona Supreme Court Rules.



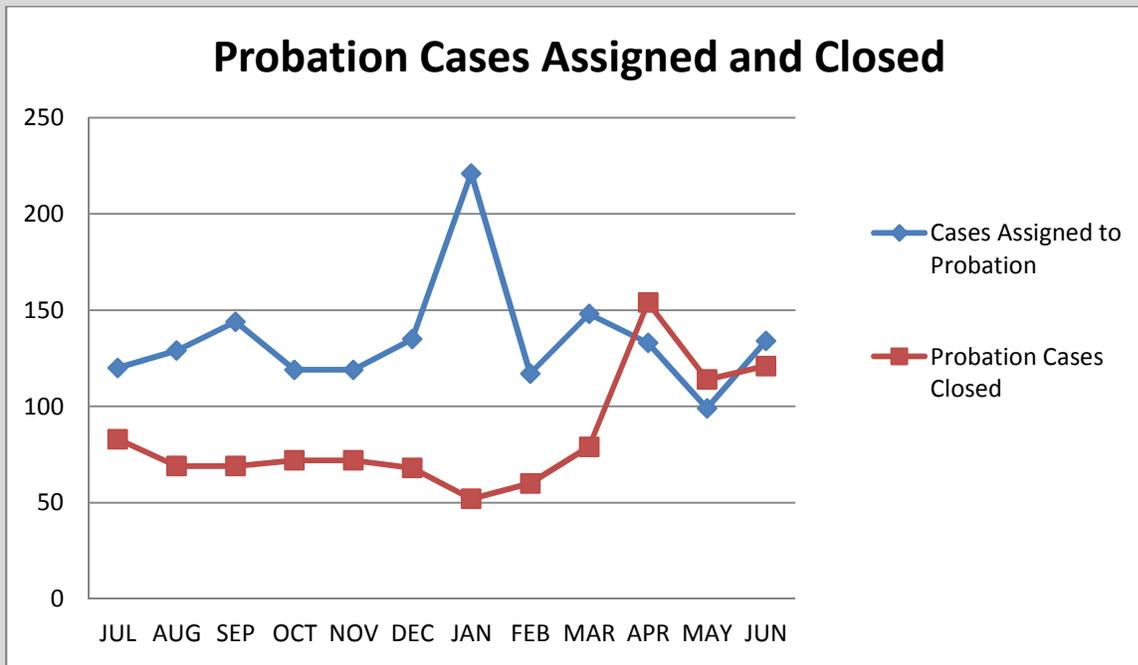
The number of civil traffic hearings spiked in FY09 but has been declining since. The number of civil traffic charges filed with the court has decreased by approximately 21% per year since FY09. Most civil traffic hearings are conducted within 60 days from when the citation was issued with the exception of photo enforcement cases which have a slightly longer time line due to issues involving waiving service and, or actual service of the citation to the defendant.





## PROBATION

The Tucson City Court Probation Division is responsible for monitoring probationer's compliance or non-compliance in fulfilling court ordered programs and payment of fines, fees or restitution ordered. Probation officers work with probationers and are instrumental in ensuring that the conditions of release ordered by the Judge are followed. Examples of the conditions monitored by the Probation officer are no contact orders, no return to incident location orders and no alcohol or drug consumption. The Probation Officer administers weekly or monthly breathalyzers to probationers. Probation Officers monitor an average of 200-300 probationers.



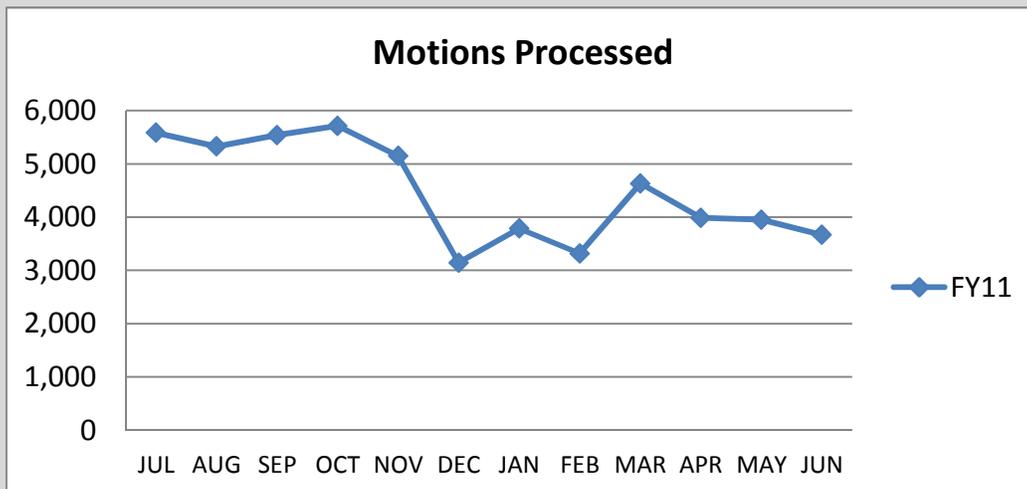


## COURT SERVICES

The Court Services Division is responsible for managing court records consisting of: approximately 500,000 pending hard copy case files, an equal number of hard copy case files in terminated but retained status and the electronic records of the court. The division processes approximately 4,500 motions per month and moves approximately 23,000 files per month to various locations in the court, and processes an average 252,000 charge filings per year accounting for, processing, and filing all documents associated with those charges.



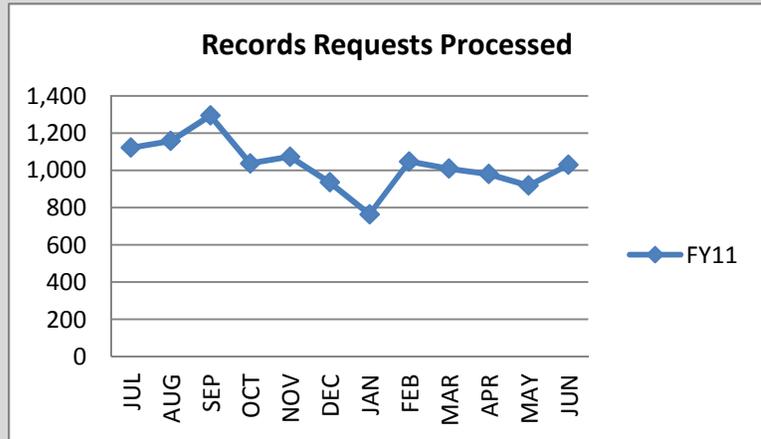
Employees in the Court Services Division perform the following functions: process record requests, motions, set asides, transfers, scan court documents into the Electronic Document Management System (EDMS), prepare hard copy case files, pull and locate missing calendar files, pull completed case files for retention and destruction purposes, process appeals, monitor the electronic citation download, monitor the photo citations electronic programs, monitor file request email sites and deliver files to requestors, file hard copy case files, file loose paperwork and process criminal disposition sheets. Supervisors in the division are responsible for quality assurance, process improvement, scheduling, payroll, personnel management, and training in addition to ensuring this work is accomplished timely. The Court Services Division is authorized 18 employees.





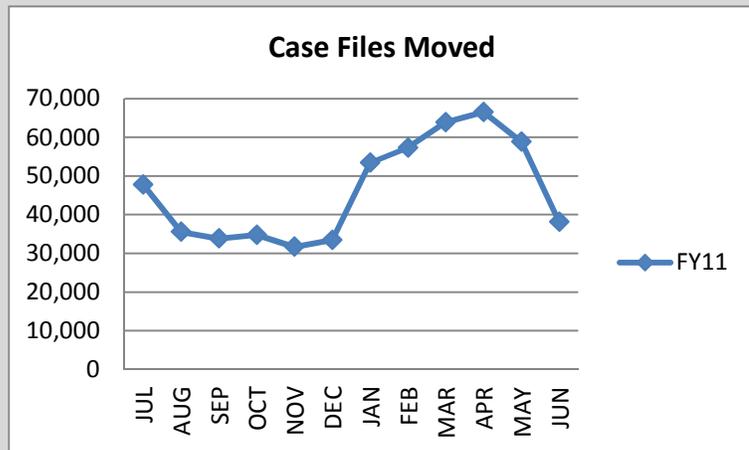
## RECORDS REQUESTS

Records requests involve providing court information to the public. Access to court records is governed by Arizona Supreme Court Rule 123. A records request can involve a review of a record or obtaining certified or uncertified copies of either a document or a file.



## CASE FILES

Court Services is responsible for accounting for all case files, both paper and electronic. Our court uses bar code technology to track the location of paper case files. When a file is moved its location is entered and tracked in a database to ensure it can be located. Most, if not all, our files are located within 1 min. 3 seconds.





## PUBLIC SERVICES

Public Services staff provide front line service to the public both in person, over the telephone or by mail. The services they provide include but are not limited to: providing information regarding case status and fines/fees due, accepting proofs and documents submitted to the Court, scheduling cases for hearings and trials, receipting monies and posting payments to cases to include tax intercepts, preparing and processing petitions for Orders of Protection, processing mail payments, preparing cases and defendant information for warrant court, notifying defendants of defaulted civil traffic or parking cases, providing courtesy letters to citizens receiving a parking citation and updating the Court's case management system. The Public Services Division is authorized 34 employees to assist approximately 195,000 persons per year and conduct an average of 750 transactions per day. The division processes approximately 123,642 calls per year and receipts approximately \$24 million per year.



Public Services staff strive to assist the public in a timely and efficient manner. This fiscal year the Public Services Division served 137,125 customers with an average wait time of 13:21 minutes and

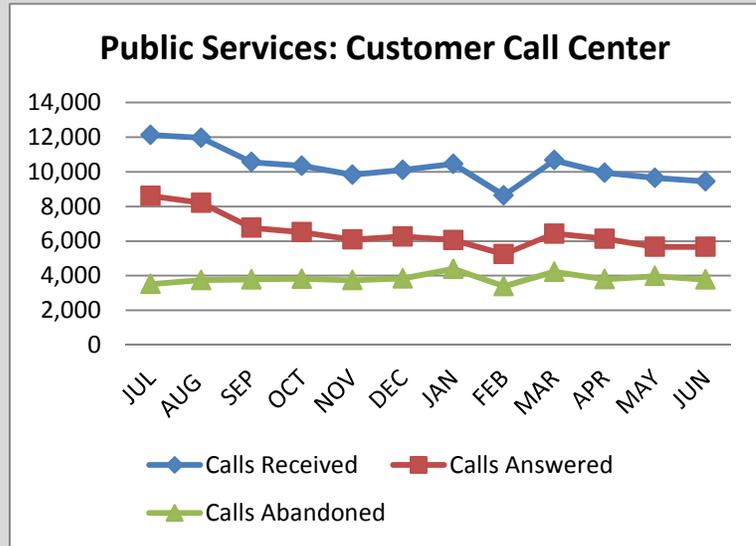
customer service transaction time of approximately 6:22 minutes. It should be noted that there are times when the wait time is significantly longer than 13:21 minutes and we are working to keep the average wait time less than 15:00 minutes.



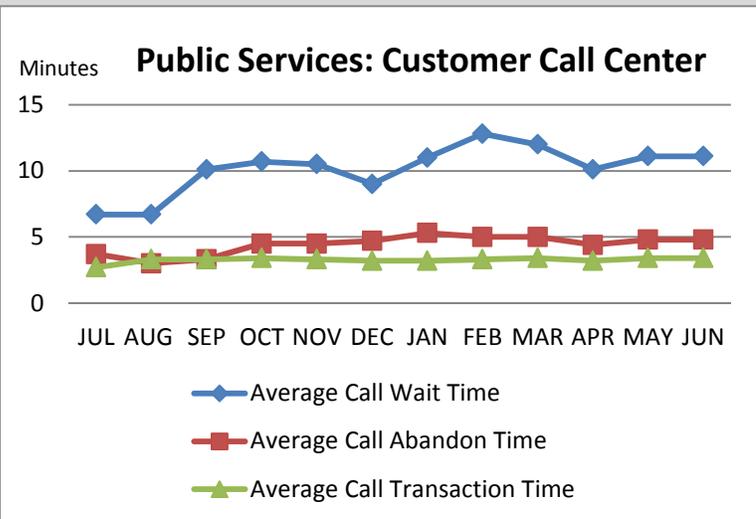


## PUBLIC SERVICES CALL CENTER

Our customer service call center receives approximately 123,642 calls per year or an average of 10,300 calls per month. Our staff level for the call center in FY11 was three to four employees which greatly impacted our ability to process calls in a timely manner. The Court has twelve incoming phone lines for our call center. Once these lines are full the public receives a busy signal.



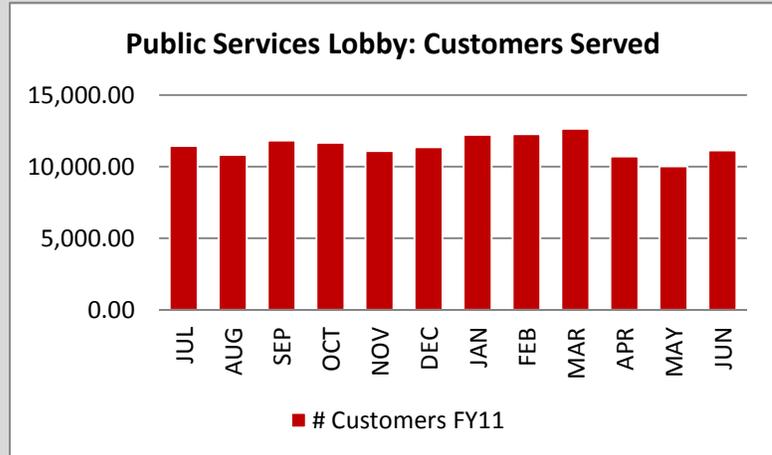
We try to maintain an average wait time of 10 minutes or less in our call center. Unfortunately, in our attempt to save funds by holding positions vacant in FY11 we were unable to meet that goal. The average wait time in FY11 was slightly over 10 minutes. While the average wait time is around 10 minutes many individuals wait much longer. Our data shows that 38% of our customers will only hold four minutes before abandoning their call. Our goal in FY12 is to improve the service provided by our call center by increasing the number of incoming phone lines and staffing levels.



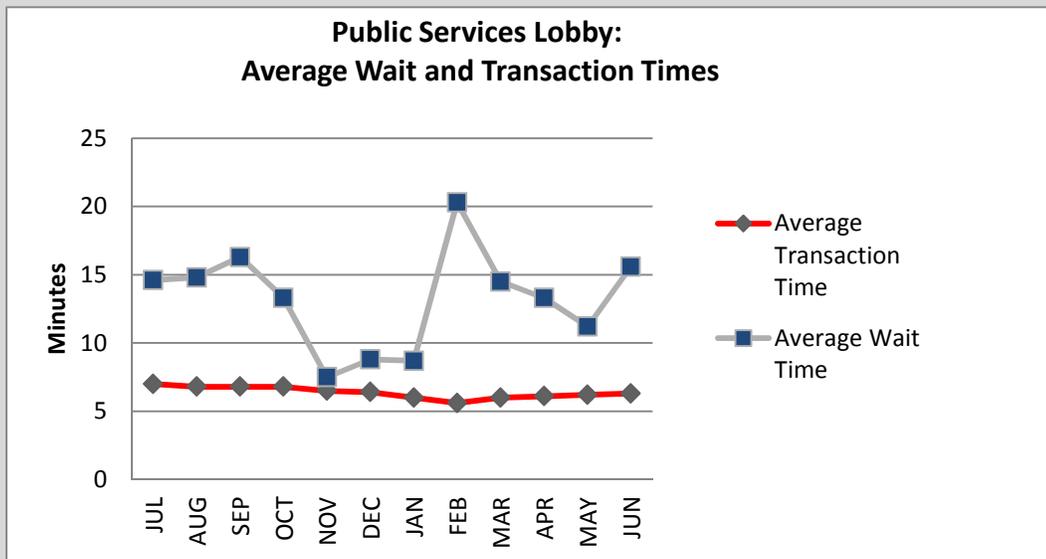


### PUBLIC SERVICES LOBBY

People come to the court for a variety of reasons which include, but are not limited to: case inquiries, to request a hearing, pay a fine, attend a hearing as defendant or observer, or file a petition for an Order of Protection. The Public Services Division lobby served 137,125 customers in FY11 or 11,427 customers per month with nearly an equal amount of customers served in our customer service call center.



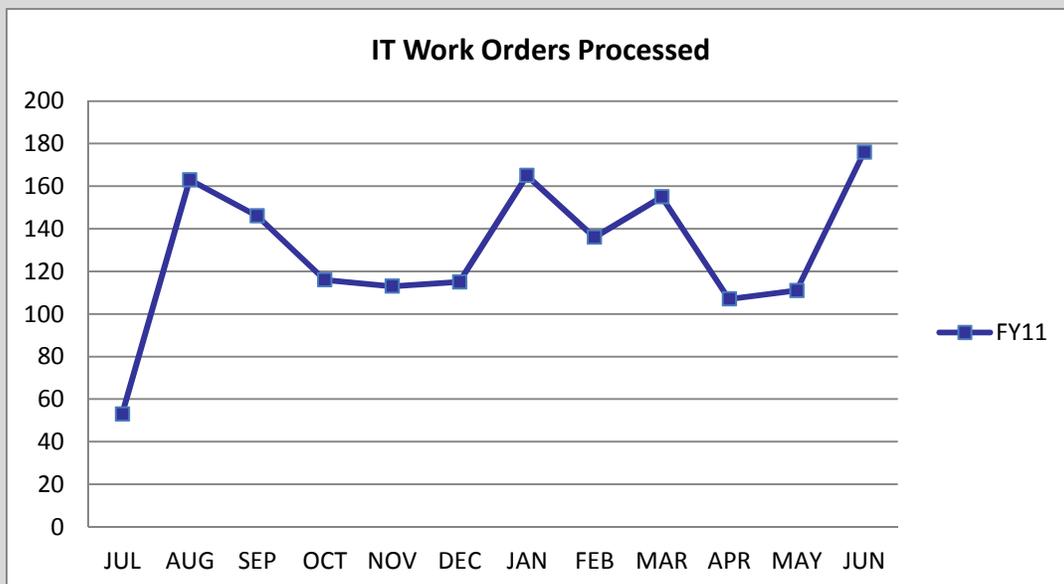
The Court strives to maintain a reasonable waiting time for our customers. While our average waiting time is reasonable at 13.5 minutes, many customers can wait up to an hour to see a customer service representative depending on which day they come to the court. For FY12 the Court is planning to have all staff positions filled which should help address wait times in the lobby and the call center.





## INFORMATION TECHNOLOGY

The Information Technology Division provides virtually all technology support to fulfill the court’s needs. The Division processes an average of 100 service tickets per month submitted through the Information Technology ticket support system. The staff is responsible for the following: maintenance of over 255 computers, associated printers, faxes, servers and other miscellaneous hardware and software such as the court digital recording software, Public Services Q-matic application, the electronic document management system, OnBase and the case management system, AZTEC. The systems analysts support over forty-seven in-house developed software programs and web programs that collect payments, process electronic citations from various organizations and interface with the case management system. Projects the section is currently working on are Motions Workflow, a Disaster Recovery, planning for conversion to a new case management system and rewriting various reports and applications to current, supportable technology.





## **PART 3: PROJECTS AND INITIATIVES (FY11)**

### **JAIL BOARD REDUCTION**

- ✓ ATJ PROGRAM
- ✓ REIMBURSEMENT OF JAIL BOARD COSTS
- ✓ VIDEO REVIEW
- ✓ MENTAL HEALTH COURT
- ✓ VETERANS AND HOMELESS COURT

### **MASS QUASH**

### **PARTIAL PAY PROGRAM**

### **QUICK DEFENDANT DATA PUBLIC SEARCH (QDDPS)**

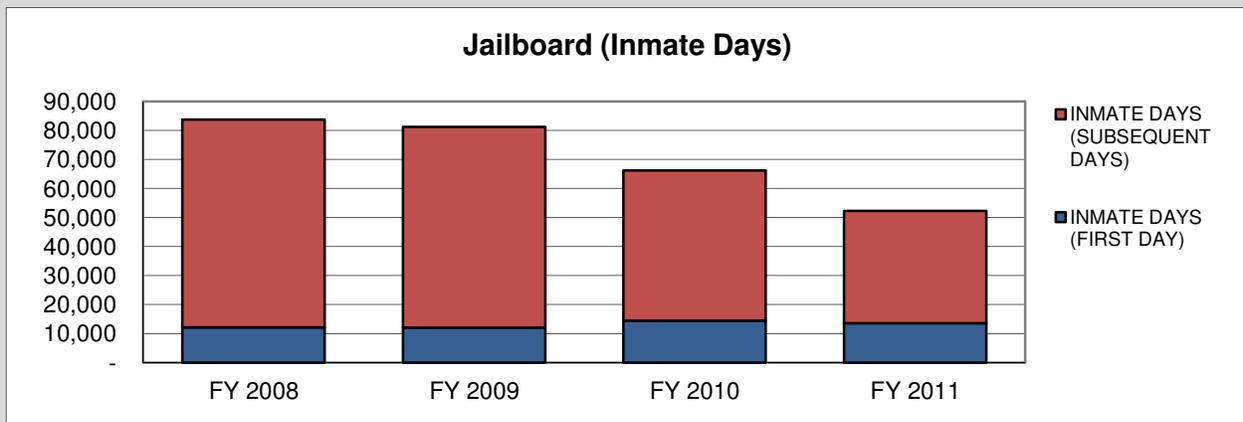
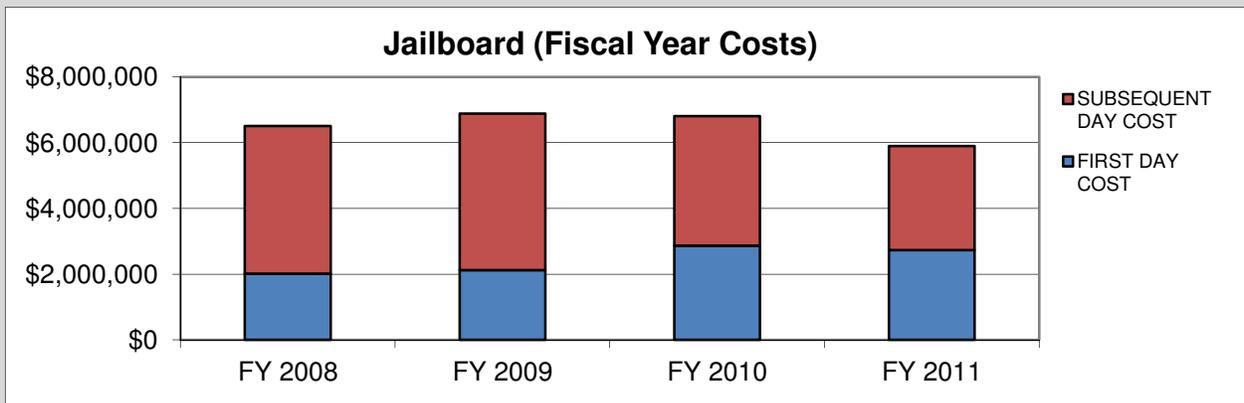
### **ARRAIGNMENT SMOOTHING PROJECT**

### **COST SAVINGS INITIATIVES**



### JAIL BOARD REDUCTION

The Court and our partners in the criminal justice community are working hard to control costs associated with incarceration. The Court has several programs to control jail costs, the most successful being the Alternative to Jail (ATJ) program. Jail board costs are composed of the first day cost which includes booking the arrestee into jail and subsequent day costs. Despite annual increases in the first day and subsequent day jail board costs these programs are having an effect on the overall cost of incarceration and the number of inmate days utilized. Since FY07 to the start of FY12 there has been an increase of 36% in the first day jail (booking) cost and a 60% increase in subsequent day cost. In FY07 the first day cost was \$166.28 and for FY11 it is \$200.38; subsequent day costs in FY07 were \$57.46 and they are now \$82.03. Despite these cost increases we have been able to reduce the annual amount expended and reduce the total amount of days used. The cost of jail board decreased by \$907,344 from FY10 and there was a decrease in the number of total jail days. When comparing FY10 and FY11 there was a decrease of 798 “first day” inmate days and subsequent days decreased by 13,115 inmate days.





## ALTERNATIVE TO JAIL (ATJ) PROGRAM

The ATJ program bypasses the Pima County Jail by bringing defendants arrested for specific violations, with or without warrants, directly to Tucson City Court for their initial appearance. Conducting the initial appearance at Tucson City Court eliminates the expense associated with booking the defendant into the Pima County Jail where they would normally have their initial appearance while in custody. Defendants meeting the following criteria are eligible for the ATJ Program:

- An active warrant issued by Tucson City Court.
- Initial charge on non-victim criminal cases such as Drinking in Public (DIP), Urinating in Public (UIP), City park charges, shop lifting charges under \$250, soliciting in median, and other non-victim cases.

The ATJ is composed of two programs, Daytime ATJ (DATJ) sessions and Evening ATJ (EATJ) sessions. The DATJ operates Monday through Friday during normal court hours and the EATJ operates in the evening seven days per week. The EATJ hours are from 5:00-9:00 PM except for Tuesday, Wednesday and Thursday when the EATJ sessions are extended until 10:00 PM. Beginning in late September 2011 the ATJ program will be expanded to include a video ATJ link from the eastside police substation. It is believed that by using a video link to conduct the ATJ session that one-way transport times of 45 minutes will be eliminated for the Tucson Police Department.

In fiscal year 2011 the ATJ program processed 2,051 defendants and held (sent to jail) only 68 defendants. It is estimated that the ATJ program avoided \$1,071,739 in jail board costs after expenses. Cost avoidance (savings) for first day jail board costs are estimated to be \$339,745 after expenses and subsequent day jail board cost avoidance is estimated at \$731,994.

## REIMBURSEMENT OF JAIL BOARD COSTS

In March of 2010, the City Prosecutor began to include recovery of first day jail board costs (and in some cases subsequent day jail costs) in plea offers to defendants. Acceptance of the plea offer requires the defendant to pay the court any cost recovery of jail board stated in the plea. Additionally, the judges are to assess jail board costs and may then waive them due to indigence or undue economic hardship. Similarly, defendants who enroll in diversion programs are required to pay the first day jail board as a condition of successful completion of diversion. These practices have significantly increased the recovery of jail board costs by approximately \$12,500 per month.



## VIDEO REVIEW

In March 2009 the Court used Municipal Fill the Gap (MFTG) dollars to add video conferencing capability to two courtrooms which are used as video review courtrooms. The conversion cost was approximately \$20,000 and by using MFTG funds it was accomplished at no cost to the City. The addition of video capability to these two courtrooms allows the Court to conduct a review hearing with defendants regarding their in-custody status at approximately 4-5 days instead of at 10 days which had been the previous practice. Staff and the magistrate conducting video reviews are provided within current court staff authorizations; no additional staff was required to implement this program.

Video review enables the Court to set conditions of release or process other offers resulting in the release of defendants from custody. To measure the cost savings the Court calculates the expense difference between when a defendant is released through video review against the required 10 day review time limit and multiplies the difference by the cost of a subsequent jail board day which in FY11 was \$82.03 per day. It is estimated that there is a savings of approximately \$700,000 to 800,000 per year in jail board cost through this program.

## MENTAL HEALTH COURT

**M**ental Health Court (MHC) significantly reduces the number of jail days for each defendant through careful management and supervision of Seriously Mentally Ill (SMI) defendants. The MHC conducts video reviews twice a week and produces cost savings by releasing defendants if appropriate at approximately four to five days rather than 10 days. Average savings per defendant should be approximately \$260. The number of MHC defendants seen at video reviews is approximately 13 per week; the estimated annual savings is \$175,750.

The MHC has a significant impact on the community by the careful management of MHC defendants and requiring them to take appropriate medications and keeping them in contact with various social agencies that provide support and assistance. In theory, these actions result in reduced calls for Tucson Police and Fire Department assistance, reduce recidivism and additional arrests which result in additional jail board costs to the City.



## VETERANS AND HOMELESS COURT

The goal of the Tucson Veterans Court is to prevent veterans from falling into a life of crime by engaging them in rehabilitation. Veterans who elect to participate in the rehabilitative program will be evaluated for eligibility by the Southern Arizona Veterans Administration Health Care System (SAVAHCS). Working with various SAVAHCS health care and social work professionals, a treatment plan is developed for the veteran. All information regarding medical, alcohol or drug use or treatment is sealed and kept confidential. The progress of the veteran's treatment plan is reviewed and monitored at least monthly in the Veterans Court session at Tucson City Court. The treatment coordinator from the Veterans Administration attends the Veterans Court sessions.

At the completion of their treatment plan, if the veteran has not reoffended, the charges will be dismissed. If a veteran reoffends while in the program, all charges will be reinstated and the veteran is assigned to a regular court. Some of the benefits of the program are:

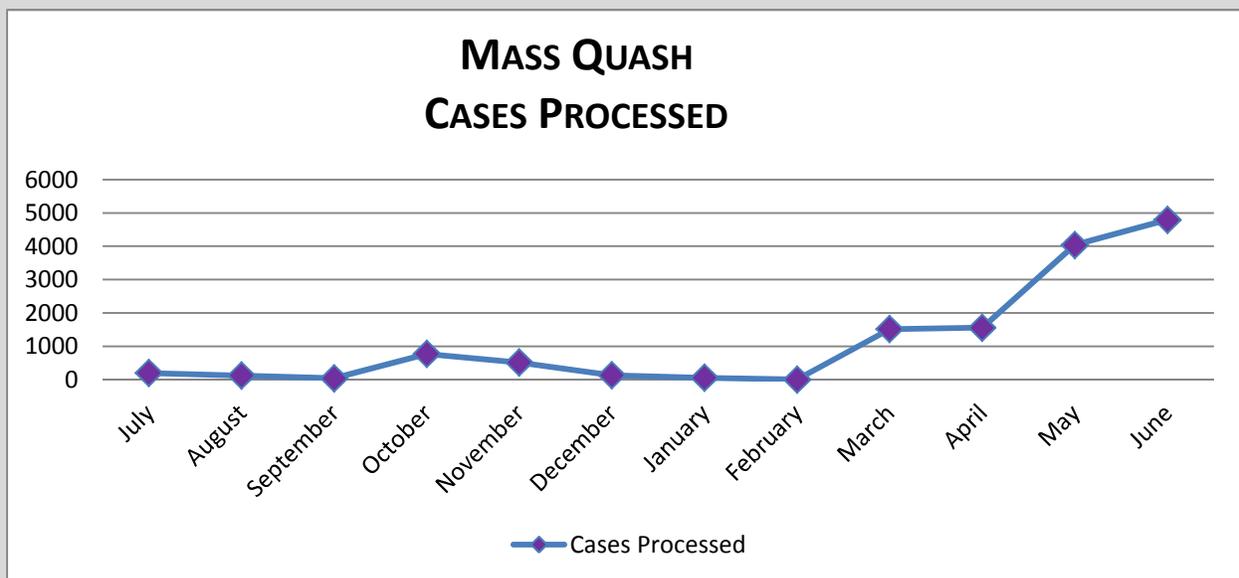
- No incarceration at the time of arrest if accepted into Veterans Court. Old pending "cases" are resolved based on participation in the program.
- Veterans are no longer engaged in the lifestyle that created these types of charges.
- Veterans with mental health and/or substance abuse problems become actively involved and compliant with their VA treatment and case manager. Most importantly, treatment is provided at no cost to either the veteran or the City of Tucson.
- The program benefits the jail by providing reduced costs for housing inmates, creating space for serious offenders and reduced expenditures for medical and psychological treatment.

Since its inception in December 2009 Veterans Court has seen approximately 203 defendants with a successful completion rate of 42%. It is estimated that Veterans Court has saved approximately \$41,000 in first day jail board costs, \$75,000 in subsequent jail day costs and an incalculable cost savings by reducing the use and need for social service resources within the community.



## MASS QUASH

This is a joint project between the City Prosecutor and the Court to dispose of old inactive pending cases. The City Prosecutor is reviewing their inactive pending cases and submitting, where appropriate, a motion to quash warrants and dismiss the case. The court then takes appropriate action on the motion. This project involves processing approximately 26,000 cases prior to 2006 and requires significant staff time. In order to not affect current court operations and service to the public the court used restricted funds for overtime and the work is being accomplished on Saturdays.



## PARTIAL PAY PROGRAM

This program is designed to allow individuals to make partial payments on their balance via the Internet. Using the partial pay program individuals can make payments from any computer over the Internet without having to visit the court. Prior to this program individuals paying over the internet had to be paying a single case in full. Since its inception the partial pay program received \$9,105,667.



## QUICK DEFENDANT DATA PUBLIC SEARCH (QDDPS)

This project allows the public to access case information (public record) through the Internet at no cost. Information is displayed from our automated case management system in an easy to read format and includes all relevant information that can be released to the public consistent with Arizona Supreme Court Rule 123.

## ARRAIGNMENT SMOOTHING PROJECT

Working with the various citing agencies the Court rewrote our arraignment scheduling program to ensure that citations submitted to the court were evenly distributed between the days arraignments are held; Monday through Thursday at 8:30 AM and 1:30 PM for criminal arraignments and Monday through Friday for civil arraignments. Prior to this project the arraignment scheduling program postponed arraignments that would have been scheduled for a Friday, weekend or holiday into the next business day resulting in overbooking.

## COST SAVINGS INITIATIVES

We are constantly reviewing our expenditures and operations for cost savings. In the last two years the court implemented many initiatives to reduce costs while maintaining services. Our many initiatives include:

- Conversion of toilets and faucets to low flow.
- Reduced copy paper use in Judicial Services approximately 40% by eliminating charge listings from the court calendar.
- Held 18 positions vacant during FY11 to create vacancy savings.
- Chiller and cooling tower replacement.